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ONTARIO COMMISSION ON THE LEGISLATURE

Ontario Commissions and Committees
of Inquiry



SECOND REPORT . DECEMBER 1973



Ontario

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Chairman
DOUGLAS M. FISHER
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Executive Secretary
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Ontario
Commission
on the
Legislature

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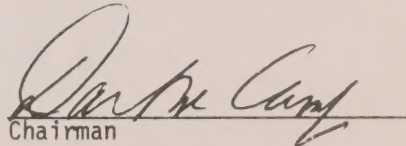
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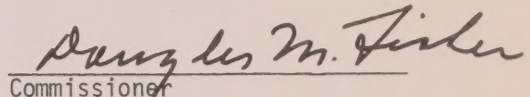
To the Honourable Allan E. Reuter
Speaker of the Legislative Assembly

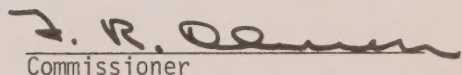
Dear Mr. Speaker,

We, the undersigned, Dalton Kingsley Camp, Douglas Mason Fisher and Farquhar Robert Oliver, appointed Commissioners by Order-in-Council 1960/72 and approved by His Honour the Lieutenant Governor of Ontario on the 14th day of June, 1972, to study the function of the Legislative Assembly with a view to making such recommendations as the Commission deems advisable with respect thereto, with particular reference to the role of the Private Members and how their participation in the process of government may be enlarged, including the services, facilities and benefits provided to the Members of the Assembly,

beg to submit to you, Mr. Speaker, this Second Report of the Commission.


Chairman


Commissioner


Commissioner

December, 1973

ONTARIO COMMISSION ON THE LEGISLATURE

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PREFACE

The Commission has reviewed a substantial amount of material relating to the Office of the Speaker. We have taken into account interviews with the Speaker, Clerk, First Clerk Assistant, Members and Ministry personnel presently associated with the administration of the Legislature; in Ottawa with the Speaker, Clerk, Sergeant-at-Arms, Director of Administration, Second Clerk in Charge of Committees, and the House Leaders; in Quebec with officers of the National Assembly; and at the Palace of Westminster with representatives of the Government, Opposition and members of the Clerk's staff.

We have also examined four special reports and papers dealing with the Office of the Speaker*, prepared by senior Ontario civil servants at various intervals during the past five years. It should be noted that a number of recommendations proposed by the Commission in this Report have been suggested previously. Perhaps those most closely paralleling our views were contained in a study made by the Planning and Audit Branch, Department of the Civil Service, dated July 15, 1968.

These interviews and studies have enabled us to reach two conclusions: first that, in Ontario through a series of circumstances (which cannot be laid at the door of any particular individual or ministry), the Office of the Speaker, and consequently the administration of the Legislature itself, has not grown and developed along lines consistent with modern parliamentary democracy; second that, although virtually all the Ontario Government reports dealing with the matter recognized this fact, and made worthwhile recommendations, none of these was adopted, with the exception of a recommendation contained in a report to Management Board by the Committee on Proposed Administration of the Speaker's Estimates (February 6, 1973), which recommended:

* See Acknowledgements

"That 1973-74 Estimates should be prepared in the name of the Speaker and reviewed by Management Board acting as a Board of Internal Economy, and that these Estimates should then be presented separately to the Legislature through one of its committees for approval."

We can only assume that the Government, for its own reasons, declined to act upon the recommendations of these reports or, perhaps more likely, there was a failure to attach sufficient priority to implementing them.

Whatever the circumstances, the Commission believes the situation should now be rectified. Hence this Report which, in addition to recommending that the administration of the Legislature be placed under the Speaker, outlines certain safeguards and controls which we feel are necessary and important.

THE LEGISLATURE AND ITS ADMINISTRATION

In its First Report, the Commission indicated that it would be making recommendations aimed at establishing the independence of the Legislature and of its first officer, the Speaker. It appeared to us that such an independence would contribute not only to the enhancement of the role of the Ontario Legislature as a whole, but also to the reassertion of the importance of the individual Member.

We also observed that it is unusual for the Ontario Legislature, which is modelled in so many respects after the British "Mother of Parliaments", to be at such odds with it in terms of the position accorded its key officials - the Speaker and the Clerk.

In the British Parliament, the Speaker has ultimate responsibility for the preparation of all Estimates in connection with the operation of the House of Commons, and accounting for all expenditures in this connection. In addition, he has final control of accommodation and services in all precincts occupied by, or on behalf of, the House of Commons. He is assisted by the Clerk and the Sergeant-at-Arms, and by a committee of Members known as the House of Commons (Services) Committee.

A situation which is somewhat similar exists in Ottawa, the Speaker having ultimate responsibility for all Estimates and expenditures associated with the operation of the House of Commons. As well, the precincts of Parliament are clearly defined and all administrative staff and personnel employed in the House come under the Speaker.

The present administration of the Ontario Legislature is not comparable to either London or Ottawa. In Ontario, the Speaker and the Clerk do not have the right to strike Estimates (except on paper), handle a budget, hire and let go employees. In practice and reality, they do not head and administer a distinctive legislative branch. Instead, the

Ministry is in charge of all aspects of personnel and pay and, by and large, determines policy with regard to such areas as security, space allocation, public information, personnel, etc.

The Commission believes it is not wise for the Ministry to hold such wide controls. The Legislature should be regulated, for the most part, by its Members and its own principal elected officer, Mr. Speaker. At the same time, however, we believe it would be unjust to infer that the Executive has encroached upon this area. Rather it would appear that the history of the relationship between the Office of the Speaker (or the Department of Legislation, as it was once called) and the Executive has been very much a history of adapting to personalities. The role and the power of the former vis-à-vis the latter have largely been determined by the people who have filled the respective offices. It is the belief of the Commission that, while this may always be true to some extent, nevertheless the administration of the affairs of the Legislature ought not to depend on personalities. Instead, a permanent administrative framework should be created strong and durable enough to function regardless of personality.

The Legislature should be able to meet its own needs for services and resources in order that it may carry on its business as it sees fit. To do so, it will be necessary for the Speaker to have the authority to meet those needs, to be able to strike Estimates, and to administer an organization charged with serving the Legislature. The Commission believes this authority should have statutory recognition.

To that end, we recommend that:

- 4.1 The Legislative Assembly Act be amended to recognize the Speaker as the Chief Administrative Officer of the House, with ultimate responsibility for preparation of the Estimates of the Legislature.

- 4.2 The Financial Administration Act be amended to ensure that, for the purposes of that Act, the Speaker be considered the equivalent of a Minister, and the proposed Legislature Staff as the equivalent of a Ministry.

The decision to recommend placing the administration of the Legislature under the Speaker has not been taken lightly. The Speaker is the only official elected by all Members of the Legislature. We believe he occupies a unique position and it is our hope that, as head of administration, his Office may be surrounded by a new sense of prestige and status.

At the same time, the Commission is of the opinion that safeguards and controls are needed in the administration of any organization. Under the present circumstances, such controls have often been lacking.

An example of the problems involved can be found in the area of select committee activity. Recently, the expenses have been increasing at rather a rapid rate. However, there are virtually no checks on these expenses. The Clerk's Office, through which some expense claims are submitted, is not happy with the situation but can do nothing about it because, technically, the Office is under the Ministry of Government Services and must wait for a decision from the latter. The accountants of the Ministry, who process the claims, are sometimes dismayed by the practice, but are reluctant to institute controls. After all, this is a political situation; it is not simply a Government decision, but is one which will affect three political parties. In the same way, Management Board, which holds ultimate authority for issuing the money, has not been inclined to issue guidelines. Everyone agrees that there has been abuse and that controls are needed, but no one seems able to take action.

The need for a single and clear authority is overwhelming. To establish such, we are proposing that a senior administrator be appointed who, working under the Speaker's authority, will be able to deal with

the political realities of three different parties; who can command the respect and trust of all Members; and who will be able to establish an efficient operation, instituting controls where necessary. Failure to create such an authority under the Speaker might indeed jeopardize, or nullify, a great many recommendations made in our First Report, and may only lead to possible abuse and ill-feeling among Members of the Legislature and the Government.

If the new administration is to be successful the group of people who staff it must have a knowledge of, and a commitment to, the Legislature and its Members. Always conscious of standards of financial responsibility, they must at the same time be flexible in their approach to problems, and be prepared to meet urgent requests as quickly as possible. The nature of legislative requirements is such that often services not provided almost immediately might as well not be provided at all. Hopefully, their loyalty to the Legislature will be such that they will be constantly alert to ways to improve its workings. However, they will always be aware that any thoughts or wishes they may have in this regard are secondary to those of the Members, who must be the first and final judges of how the Legislature will operate.

There is little doubt that a special pride of achievement can be created among the administrative staff whose task it will be to build a permanent organism, one which can be a model of service to Members and assist in creating an institutional dignity and unquestioned rectitude.

THE PRECINCTS

Parliamentary tradition throughout the world has established a number of rights and immunities, usually called privileges, for members of parliament and for legislatures themselves. One such privilege is the right of a legislature to regulate its own internal affairs and procedures. In the context of this privilege, the precincts of the legislature (i.e. the area over which the House has control) can be defined as

"that area which the House requires to perform its functions without obstruction or interference".*

In Ottawa, the Centre Block and the West Block, together with the Confederation Building, make up the precincts of Parliament and are administered entirely by the Speaker and his administration.

In Britain, the principle of Parliamentary control of the Palace of Westminster is also accepted for, in 1965, the Queen passed on control of all areas of the building occupied by, or on behalf of, the House of Commons to the Speaker. (Before that time, control of the building was delegated to the Speaker only when the House was sitting.)

At Queen's Park, however, there is a departure from this tradition, in that the Legislative Building is the domain of ministerial departments, as well as the legislative branch of government. Responsibility for the administration and upkeep of the Building comes under the Ministry of Government Services and, to complicate matters, all employees, including the Clerk and members of his staff, are on the payroll of the Ministry.

The Speaker's authority, therefore, is absolute only in the Chamber. But legislative functions are not restricted to the Chamber. Committees of the House, for example, meet outside this area. Offices for Members, research staff, and legislative personnel (all necessary for Parliament and its Members to perform their legislative function) also are found outside the Speaker's purview.

In the Commission's First Report, dated May, 1973, we expressed the view that the Executive will continue to exert a considerable influence in the Legislature by means of its majority party status. We believe this is, of course, wholly within parliamentary tradition. However, we

* Testimony of M. J.P.J. Maingot, Parliamentary Counsel and Law Clerk, before the Canadian House of Commons Standing Committee on Procedure and Organization, May 24, 1973.

also observed that it is undesirable that the Legislature should seem to be dependent on the Executive for its very existence.

The Commission believes it is important, if its vision of a revitalized Legislature is to be realized, that the administration of the Legislative Building itself be placed under the authority of the Speaker. The Speaker, assisted by a capable administrative arm (which we outline later in this Report), should be able to provide adequate services within the Legislative Building, which will meet the needs of both the executive and the legislative branches.

The Commission recommends that:

- 4.3 The Legislative Building be put under the Speaker's authority; and the space in the Building be designated as legislative.

We are told that space in the Legislative Building is at a premium. Those areas occupied by legislative activities are utilized to capacity; more space has been required to accommodate additional Members' secretaries; and there is no room to permit the development of any new services for Members.

If Members are to be served adequately in the future, we believe additional space will be required to locate the following: a) improved committee facilities; b) expanded quarters for the Office of the Clerk and the new administrative staff of the Legislature; c) Members' reading room; d) Members' recreational facilities; e) increased office space for Members' secretaries; f) reception rooms, etc.

The Provincial Secretaries' Departments

In order to provide additional space for these purposes, and in keeping with our recommendation that the space in the Legislative Building be designated as legislative, we believe the present location of

the ministerial departments which reside in the Legislative Building should be questioned.

While Ministers must have offices in the Building in connection with their many legislative responsibilities, it appears unnecessary for their departments to be located there. At present, the three Provincial Secretaries have large suites in the main Building, encompassing an area of approximately 16,000 square feet. It would help greatly to relieve the "space squeeze" if these offices were to be located elsewhere - in one of the adjacent government buildings - and for each of these Ministers to retain only a personal office and reception area, on the size and scale of other Ministers' offices (440 square feet), in the Building.

Therefore, the Commission recommends that:

- 4.4 The departments of the Provincial Secretaries, presently located in the Legislative Building, be moved to an adjacent government building.

The Lieutenant Governor's Suite

The Lieutenant Governor of the Province has a two-storey suite in the Legislative Building. This does not include living quarters but consists mainly of reception rooms. We feel these facilities do not provide adequately for the highest official of the Province, and suggest that the Lieutenant Governor be provided with accommodation where he can perform the majority of both his political and social functions. However, since the Lieutenant Governor must be on call to give Royal Assent to bills, he will still require suitable office space in the Legislative Building.

The Commission recommends that:

- 4.5 The Lieutenant Governor of the Province be provided with accommodation outside the Legislative Building, suitable for his personal use and public responsibilities.

THE NEW ADMINISTRATION (See Chart, Page 33)

The proposed new administration under the Speaker will have, as its central purpose, that of serving the Members and providing for the over-all operation of the Legislative Building.

However, it is not our intention to introduce organizational changes which will result in redundancy of jobs or loss of responsibility, but rather to add several important managers and fresh personnel to those who are presently employed in the Legislature.

We would like to outline what we believe will be some of the responsibilities of the Officers of the House and, at the same time, discuss the new offices which we are recommending be established to serve them.

THE SPEAKER

The Speaker, as head of House administration, will be responsible for both policy and operations. His close contact with the Members, whom the administration is serving, make him the focal point of the whole structure. He will be finally responsible for all major decisions, and will be kept informed continually of the activities undertaken by his staff - often being consulted by his staff on the latter.

We do not envisage, however, that the Speaker himself will be involved in the day-to-day workings of his administration. His duties as Chief Presiding Officer are most important, and the time-consuming nature of many functions he must perform as representative of the Legislature will preclude him from devoting all his energies to administrative matters. He will be assisted in his new role by two principal officers: the Clerk, mainly responsible for procedural affairs; and the Director of Administration, attending to administrative affairs. Both officers will handle

day-to-day matters and relieve the Speaker of routine burdens. It is expected that the Speaker will meet with the Clerk and Director of Administration frequently, in order to be kept informed, and to make his wishes known, on all areas which come under his jurisdiction.

Order of Precedence

It is our feeling that recognition of the Speaker as head of the Legislature should be expressed in the order of precedence in Ontario. In 1968, the Government of Canada amended its Table of Precedence to place the Speaker of the Senate and the Speaker of the House of Commons immediately after the Prime Minister of Canada and the Chief Justice of Canada. In the British Parliament, the Speaker of the House of Commons follows the Prime Minister and comes before other Privy Councillors. Similarly, the Province of Quebec, at special parliamentary functions, gives precedence to the President of the National Assembly over all Ministers of the Crown, with the exception of the Premier.

The Commission recommends that:

- 4.6 The Premier of Ontario table in the House a Table of Precedence for Ontario, in which the Speaker would rank next to the Lieutenant Governor, the First Minister, and the Chief Justice of the Supreme Court of Ontario, respectively.

THE CLERK

The role of the Clerk as Chief Permanent Officer of the House is an important one. Under the proposed new administration of the Legislature, his Office will become the focus for a wide range of activities.

His most important responsibilities will continue to be of a procedural nature. They include the recording of Minutes of Proceedings of the House, the safekeeping of all records and papers of the House, the printing and distribution of bills, Orders of the Day, and Votes and Proceedings.

Of even greater significance, in our view, is the Clerk's role as a procedural advisor to the Speaker and the Members. It is hoped, for example, that he may be in a position to consult with, and be consulted by, the Committees on Administration and on Procedure, which we are recommending be established. We also believe he will assist greatly in providing the "bonding" between the House staff and Members which is important to a successful administration.

The running of the committee system will continue under the Clerk's Office. We also propose that Hansard, which presently reports directly to the Speaker, now report to the Clerk. It is expected that Hansard will continue to be an autonomous operation; our only reason for changing its reporting relationship is a desire to keep the Speaker as free of "line" administration as possible.

The largest addition to the Clerk's realm of responsibility will be in the area of administration. Many of the services involved will be new; others are presently being provided by various officials in the Ministry of Government Services. Under the new organization these will be entirely dissociated from the Ministry.

It is not our intention that the Clerk will personally take charge of the day-to-day administration of the Legislature. For this role we propose a new Director of Administration, who will rank second only to the Clerk among the permanent staff of the Legislature. Our concern here is to enable the Clerk to concentrate on his important procedural responsibilities, while still ensuring that he retains ultimate authority, under the Speaker, for all aspects of the activities of the new department.

In keeping with the increased administrative responsibility being given to the Clerk, and in recognition of his position as the Speaker's First Lieutenant, we believe he should be accorded the status of Deputy Minister.

The Commission therefore recommends that:

- 4.7 The Clerk be accorded a status equivalent to that of a Deputy Minister.

The Chief Electoral Officer

The Commission has given considerable thought to the question of the Clerk's additional role as Chief Electoral Officer for Ontario.

The success of many of our recommendations may depend on the type of rapport which is developed between the Clerk, the Officers of the House, and Members. The growth of such a relationship or organism will demand a time commitment from the Clerk which will make the holding of other positions impractical.

The Commission recommends that:

- 4.8 The Clerk no longer serve as Chief Electoral Officer of Ontario.

THE DIRECTOR OF ADMINISTRATION

The third ranking position in the proposed new organization would be that of Director of Administration. The post is a key one in that the Director would have full responsibility for all policy decisions and day-to-day requirements of an administrative nature. He would report to the Clerk and consult with the Speaker, particularly with regard to decisions of a controversial nature. However, the burden of administration would be essentially his. A status equivalent to Assistant Deputy Minister would be appropriate.

The Director of Administration should have broad administrative experience at a senior level. He will know how to create and innovate and, at the same time, have a thorough working knowledge of administrative

procedures, in both the public and private sectors. He will assume responsibility for all financial affairs of the new administration (although the Fees Office will handle day-to-day details). In this connection, he may be called upon from time to time to act as a brake on unreasonable expenditures of funds, and to ensure that the Speaker's Estimates reflect budgets which are prudent and reasonable.

It will be important for the Director to possess considerable tact and diplomacy, as it is essential that he be able to preserve the trust and confidence of Members of all parties.

The Commission recommends that:

- 4.9 A Director of Administration be appointed by Order-in-Council and report to the Clerk.

The Director of Administration would be in charge of three major administrative areas: the Fees Office, Personnel Office, and Legislature Services, and would act as a link between these Offices and the Members.

The Fees Office

The Fees Office will be in charge of all financial aspects of the administration, including drawing up the Speaker's Estimates. The Office will take care of all payroll activities for both Members and legislative staff, and will process travel and accommodation vouchers for M.P.P.s, as recommended in our First Report.

The Director, or Chief Accountant, of the Fees Office will be assisted by suitable staff, some of whom, hopefully, will have had prior experience in handling legislative accounts and expenses.

The Director should be an individual who has been able to apply his financial skills successfully to a number of areas, preferably in both

the public and private sectors. In addition to being a capable administrator, he must have the ability to exercise tact and good judgment when dealing with individual Members and the legislative staff. Although he will be reporting to the Director of Administration, he will also be required to work closely at times with the other Officers of the House.

A special understanding of the legislative and political process will be required of the Director of the Fees Office for, on the one hand, he will be responsible to see that Members are served, while at the same time he will be responsible for financial controls.

The Personnel Office

The Commission feels strongly that the staff of the Legislature should not be a part of the Civil Service. Consequently, it will be necessary to establish a Personnel Office, which would create its own classifications, with corresponding pay scales, manage its own competitions and, in general, develop its own rules.

It seems only reasonable that legislative employees be entitled to the various benefits enjoyed by most permanent employees in similar situations. Because most such benefits are group plans, and as a matter of convenience, we believe legislative staff should be able to participate in Civil Service plans.

First and foremost, the Personnel Office will be service-oriented. It will be important that the Director be a first-class communicator, as well as a personnel professional. He or she should be a person who has been associated with business, education, non-profit or governmental endeavours, possessing flexibility and tact, as well as sound personnel skills.

The Legislature Services Office

Under the new administration this Office would be responsible for the physical plant of the Legislative Building, and serve the needs of Members, staff and Executive. It would provide such services as building maintenance, space allocation, dining-room and cafeteria facilities, purchasing of equipment, furniture and supplies, messenger services and parking. We also suggest that the Page Service, at present operating out of the Speaker's Office, be under the Legislature Services Office, together with the Post Office and Media Studio. The Office would also coordinate legislative tours, and provide reception areas for delegations.

We believe the present Director of the Legislative Services Branch enjoys the confidence of both the Members and the Executive. It is our feeling that he would have no difficulty working under the new administration and reporting to the Director of Administration, and that his present experience would be a distinct advantage.

THE FIRST CLERK ASSISTANT

We feel it is appropriate to comment also on the role of the First Clerk Assistant.

Standing Order No. 93 states:

93. (a) The Clerk Assistant shall assist the Clerk of the House in his duties at the Table and elsewhere as directed by the Clerk.
- (b) In the absence of the Clerk of the House, the Clerk Assistant shall, ex-officio, perform the duties of the Clerk.

There is little doubt that the Clerk, given responsibility equivalent to that of administering a Government Ministry, will require increased assistance with regard to the procedural side of his activities. On the

administrative side he will be served by a capable new management group; however, on the procedural side the existing personnel would be expected to carry a heavier load of responsibility. The First Clerk Assistant will then truly be the right-hand man of the Clerk in the procedural field. He will be responsible for liaison with other parliaments and will act as the Clerk's representative in a number of areas

In keeping with the status of this position, and the responsibilities involved, we suggest that a salary range of \$18,000 - \$22,000 would be appropriate.

In addition, the Commission recommends that:

- 4.10 The First Clerk Assistant be an Order-in-Council appointment.

SECURITY

Ontarians live in one of the most open societies on earth. By and large our citizens, including those who live in large urban areas, enjoy a measure of freedom which is no longer possible, for instance, in many American cities. We are free to walk the streets in safety, to express our opinions on almost any subject and, either as individuals or in the form of a collective demonstration, to confront those who appear most likely to wield the power "to get things done". So it is a generally accepted fact that, in an age of citizen involvement and participation, it is the people's right to approach the politician directly, often in an effort to circumvent the built-in defences of the bureaucratic system.

Citizen access to Ontario Government buildings, and to the Legislative Building in particular, is total and unrestricted. There are no security guards to question right of entry (as in Ottawa, Quebec, London, Washington, and a host of other world parliaments, provincial and state legislatures). And, although a number of security personnel are assigned

to Ontario Government buildings, there are no regulations controlling access in terms of a visitors' log, i.d. cards, briefcase or package inspection, or appointments passes.

During the past year, a number of protest marches and demonstrations have taken place outside the Legislative Building. On occasion, the demonstrators have been permitted inside the Building and granted access to the great staircase where direct contact has been made with the appropriate Minister. It has been unclear, however, from the point of view of those in authority (the Solicitor General and, through him, the Ontario Provincial Police) as to how far these demonstrators should be permitted to go in pursuing their particular interests or grievances.

In an exchange in the House, the Solicitor General indicated that it was becoming increasingly difficult to provide adequate security in order to prevent incidents, and yet at the same time avoid creating what might be construed as an intimidating police presence. At that time, he addressed the following remarks to the Speaker:

"I would urge that before this Parliament is over that you, sir, call together whomever you wish, representatives of this Legislature, to lay down some guidelines with respect to the security of this Chamber and its environment, because there is no definitive direction in this regard."

The establishment of an atmosphere in which the Legislature can work, and in which the public can have access to its representatives, is a responsibility of the Legislature - and is one which no one else should assume for it. Earlier in this Report, we made the recommendation that the administration of the Legislative Building be placed under the Speaker; we are of the opinion that this should include security.

The Sergeant-at-Arms

The Speaker has always had authority over security within the Chamber itself, this authority being exercised by the Sergeant-at-Arms. At the present time, the position of Sergeant-at-Arms is a sessional appointment and one which is largely ceremonial. We believe this is entirely proper; however, in extending the Speaker's authority to the whole of the Legislative Building, it would also be necessary to appoint a permanent House Officer to oversee the security of the Legislative Building on a year-round basis.

In order to accomplish this end, we propose that the Director of Administration be given the additional title of Deputy Sergeant-at-Arms, thereby enabling him to operate within the context of parliamentary tradition. This arrangement would permit the Director of Administration to supervise security provisions for the Legislative Building itself, while the Sergeant-at-Arms would be responsible for the security of the Chamber during sessions.

The Commission therefore recommends that:

- 4.11 The Sergeant-at-Arms be in charge of the security of the Chamber when the House is sitting.
- 4.12 The Director of Administration be appointed Deputy Sergeant-at-Arms, responsible for the security of the Legislative Building.

Ontario Government Protective Service

Commencing October 1, 1973, security for all Queen's Park buildings became the responsibility of the newly created Ontario Government Protective Service. This corps of 80 men works under the supervision of regular Ontario Provincial Police personnel from the Security Branch. Besides the

Queen's Park complex, including the Legislative Building, the corps maintains security for Osgoode Hall, Ontario Provincial Police Headquarters, and Ontario Place. Round-the-clock security is provided for all these buildings. The Solicitor General has outlined the purpose behind creating the Protective Service as follows:

"The O.P.P. are a highly trained and well-paid force. After a thorough examination of the role of the O.P.P., we have concluded that their function at Queen's Park could be carried out by a special security or custodial corps. This would release them for the pursuit of the criminal element."

The Commission has considered the advisability of establishing a special security force under the Speaker, similar to those developed in Ottawa and Quebec, but has come to the conclusion that this is neither wise nor necessary, as it would involve some major administrative problems and additional overhead.

In the present circumstances we believe, if the new Protective Service can operate in the Legislative Building under the Speaker, the needs of the Legislature can be adequately met. However, we wish to emphasize that, while operating in the main Building, the Protective Service would need to do so under the authority of the Speaker's warrant, and not under the authority of the Police Act.

The guidelines under which the Protective Service will be working in the Legislative Building should be drawn up by the Speaker, the Sergeant-at-Arms, and the Deputy Sergeant-at-Arms. Obviously, it would be wise for them to seek the advice of experienced security people.

The Commission recommends that:

- 4.13 The Ontario Government Protective Service personnel operating in the Legislative Building do so under the authority of the Speaker.

Access to the Legislative Building

The Commission most certainly supports the right of individual citizens and groups to demonstrate publicly on behalf of whatever lawful cause they may wish to espouse. We also believe they should have right of access to Members or Ministers. However, better facilities should be provided for the Ministry, or Member, to meet delegations.

There should be a planned alternative to the meetings between large numbers of individuals and Members which frequently take place in the foyer, corridors, or upon the staircases of the Legislature, and which, on occasion, have interrupted the business of the House. We suggest that a large reception room or meeting room, located near the main entrance to the Legislative Building, be made available for citizen groups to meet with their elected representatives. The provision of this type of space would assist substantially in providing better security.

The Commission would also like to express concern over the fact that the public is free at present to wander about the Legislative Building as it wishes. The question of the personal security of the Members and staff is an important one. However, we believe this is a matter for the Speaker and his advisors to settle when they meet to consider security guidelines.

Security of Grounds Surrounding the Legislative Building

In conclusion, we comment briefly on a situation which, although it does not fall directly within the sphere of study of the Commission, does have some bearing on the concerns dealt with above. We refer to the question of security on the grounds surrounding the Legislative Building.

Lease arrangements for the actual lands surrounding the Legislative Building are such that security at present comes under both Provincial and Metro jurisdictions. We are advised that in 1829 ownership of the

lower two-thirds of the Legislative Building front lawn was vested in King's College, University of Toronto, by a legislative act. In 1859 the same property was leased to the City of Toronto for 999 years.

As a result of this lease arrangement, it is the City of Toronto which is responsible for the security of a large area directly in front of the Legislative Building. Consequently, the Metro Toronto Police Force is required to work in close co-operation with the O.P.P., which has resulted in jurisdictions and authorities which are often overlapping.

Security matters would be greatly simplified if the question of land jurisdiction could be ironed out. The Province has proceeded on this assumption, and since 1966 negotiations have been under way with the University to acquire the land now leased by the City from the University.

The Commission has been advised that Metro, the University of Toronto, and the Province are about to reach agreement. We urge that these negotiations be concluded as soon as possible.

THE LAW CLERK

At the present time, the Standing Orders of the Ontario Legislature provide for an Office of Legislative Counsel. The basic responsibilities of this Office are to prepare legislation for Cabinet or for a Member; to be present as required in the House, and in Committees when bills are in committee stage (i.e. being considered in a clause-by-clause analysis); and arranging for the annual printing and indexing of Statutes.

The significant point about this Office, for our purposes, is that it is located in the Ministry of the Attorney General and, although it is contained in the Standing Orders of the Legislature, it provides what is essentially a ministerial service. Of the three kinds of bills drafted by the Office - Government Public Bills, Private Bills, and Private Members' Public Bills - overwhelming priority is given to the first. This

is an important and time-consuming function, and it should continue to be performed by the Legislative Counsel. On the other hand, we feel it is also important to recognize the responsibilities of Members of the Legislature as legislators, and to give substance to this recognition through the provision of a drafting service which would focus on assisting the Members.

We propose that this new service be called the Office of the Law Clerk, and be located in the new administration of the Legislature, as part of the Clerk's Office, with responsibility for drafting Private Members' Public Bills, which have no connection with the Ministry.

In addition to drafting Members' legislation, the Office of the Law Clerk would have the equally important task of providing legal advice to Members, the Speaker, and the Clerk. There are an increasing number of circumstances where Members would like to have access to legal opinion; for example, when they wish to present amendments to a bill.

It would seem reasonable and desirable for Members to have access to someone particularly well versed in the law as it relates to the Legislature, and to legislation in general. This is a particular knowledge which the Speaker, the Clerk, and certainly the Members, cannot be expected to have, and yet which is important in assisting them in the conduct of their affairs.

Accordingly, the Commission recommends that:

- 4.14 The Office of the Law Clerk be created in the Clerk's Office; the Office be charged with responsibility for drafting Private Members' Public Bills, and for providing legal advice to the Speaker, the Clerk, and the Members; the Law Clerk be appointed by Order-in-Council.

THE BOARD OF INTERNAL ECONOMY

The Commission has recommended that the Legislative Assembly Act be amended to recognize the Speaker as the Chief Administrative Officer of the House, with ultimate responsibility for preparation of the Estimates of the Legislature. In doing so, we believe it appropriate to discuss arrangements made by other jurisdictions to ensure the careful and thorough management of House affairs.

At the Palace of Westminster the Speaker, acting as Chairman, is assisted by Commissioners of the House of Commons, consisting of the Chancellor of the Exchequer, all Secretaries of State, the Attorney-General, and the Solicitor-General, provided they are Members of the House of Commons. The Commissioners oversee all financial matters related to the House. Pay and conditions of staff are settled by the Commissioners in co-operation with a Staff Board.

In Ottawa, a Board of Internal Economy, appointed by the Governor-in-Council at the beginning of each parliament, sits and functions in a manner similar to the Treasury Board, approving all policies and regulations relating to the financial management of House affairs. The Board is composed of four Cabinet Ministers, plus the Speaker who acts as Chairman.

The Commission has come to the conclusion that a Board of Internal Economy would perhaps be the most suitable approach to supervision of the financial management of the Ontario Legislature.

The Board would be composed of the Speaker, acting as Chairman, and three Ministers of the Crown appointed by the Lieutenant-Governor-in-Council.

The Speaker should be responsible for convening meetings of the Board, and his presence would be necessary in order for a meeting to be

held. The Ministers' Role would be two-fold: to advise the Speaker on financial matters, including the setting of salaries for Officers of the House who are Order-in-Council appointees; and to approve any change of policy involving the expenditure of money.

In order to facilitate the setting up of a Board of Internal Economy, we suggest that the Legislative Assembly Act be amended to state the existence of the Board, its composition, and a general statement of its function.

The Commission therefore recommends that:

- 4.15 A Board of Internal Economy, composed of the Speaker as Chairman, and three Ministers of the Crown appointed by the Lieutenant-Governor-in-Council, be set up by an amendment to the Legislative Assembly Act, such amendment to state the composition and general functions of the Board, and require the Board to meet and report to the House at least annually.

COMMITTEES OF MEMBERS

In establishing a new administration of the Legislature under the Speaker, it is most important that there be an effective and workable vehicle for consultation between Members and the officers and staff who serve them. To meet this need we propose that two standing committees should be created, one on Procedure and one on Administration. These would replace the present Standing Committee on Procedure.

In Ottawa, the Standing Committee on Procedure and Organization, faced with pressing problems in both its areas of concern, has been unable to move ahead forcefully in either. Consequently we believe the two-committee approach, allowing Members to specialize, is the better part of wisdom, and will be more effective.

Our suggestion is that each Committee would be composed of eleven Members. Considering the make-up of the present Legislature, this number would be broken down into 7 Conservatives, 2 Liberals, and 2 N.D.P.

It should be stressed that the Committees are intended to fulfil an important advisory role in relation to the Speaker, the Clerk, and the Director of Administration, who would have responsibility for decisions in matters of House organization. To devolve this decision-making power could paralyze day-to-day administrative operations. However, the Speaker's Office must remain responsible to Members for its spending, staffing, administration, etc. The advice of the proposed Members' Committees is intended to enable it to fulfil these responsibilities.

Ideally, the Members of the Committees and House Officers should be able to meet in an atmosphere of goodwill, informality, and trust, notwithstanding the fact that, to a certain degree, partisan groups will be represented. It is also clear that in many situations there will be decisions which would be difficult, if not impossible, for House Officers to take without being able to consult with Members of the Legislature.

The Committees would join to consider the Estimates of the Legislature.

We outline what we believe should be some of the responsibilities of the two Committees:

The Committee on Procedure

The Standing Orders and unwritten conventions of the House would be reviewed regularly by the Committee on Procedure. The most recent changes in the Standing Orders were made in 1969, and it appears that some of these rules are now out-dated. The Committee would enable a continual process of adjustment, instead of a massive revamping every four or five

years. The proposed Committee, with a continuing consciousness of procedure, should be able to monitor the rules more closely, and weed out those that have become outmoded.

This process, then, would have a dual purpose. The first would be to make it possible for House procedures to be updated regularly, thereby making them a vehicle which would enable debate to be meaningful and relevant, while allowing the business of the House to move ahead in an orderly way. The second purpose would be to develop a procedural and legislative expertise among Members.

It seems to us that this Committee would provide an excellent forum for a specific group of Members to develop procedural knowledge which, in the future, should have important and beneficial consequences for the Legislature. It is an understanding which cannot be gained by reading the Standing Orders alone, but must be developed in a working situation.

The Committee on Procedure will probably wish to consult the Clerk fairly regularly and, from time to time, have him in attendance at meetings. They may wish also to consult the Speaker. Any changes which may be required in the unwritten conventions of the House will probably find expression and resolution in these latter consultations. Proposed changes in the Standing Orders would, of course, have to be reported to, and be passed by, the House.

The Committee on Administration

The Committee on Administration would deal with such matters as the publishing and review of Members' expenses (see Page 41, First Report, Ontario Commission on the Legislature, May, 1973), allocation of partisan space within the Legislative Building (specific allocation of space within any caucus would presumably be done by the whip of that caucus), and requirements in the areas of secretarial and other services. It should also advise the Legislative Librarian on Members' requirements with regard to the Library.

The Commission realizes that there could be some overlapping of responsibilities between party whips and the proposed Committee on Administration. It would therefore seem to make sense for party whips to be members of the Committee.

Chief consultants with the Committee in most matters would be the Director of Administration and the Legislative Librarian, although the Speaker, the Clerk and the Sergeant-at-Arms may wish to consult with them as the need arises.

The Special Status of the Committees

If the Committees on Administration and on Procedure are to perform effectively, it is our view that they should be granted a status which would, in a number of ways, represent a departure from the normal operating traditions of standing committees.

The Existence of these Committees should be a part of the Standing Orders of the House. They would be named within the first week of the first session of a Legislature, and would be constituted for the life of the Legislature rather than a session.

The two Committees, unlike other standing committees, would not require a specific reference from the Legislature, but would be empowered to meet to consider subjects within their general terms of reference whenever necessary, including the intervals between sessions, and to report to the House as they deem appropriate.

The long-term nature of these Committees will help to create an environment which will foster an expertise in House matters among the Committee members. We would propose, therefore, that no substitution of members be allowed, even when the joint Committees consider the Legislature's Estimates. This will represent a very definite departure from tradition, as at present the substitution of members is permitted when

a standing committee is studying Estimates, the rationale being that substitution allows members who are experts in particular fields to participate in the examination of the Estimates in those areas. However, in the case of the Committees on Procedure and on Administration, the expertise will already be on the Committees, and therefore substitution would not be necessary or advisable.

It is acknowledged by the Commission that the granting of these somewhat extraordinary powers to other standing committees might provoke the complaint that ministerial responsibility was being infringed upon. However, since these Committees are involved solely in matters associated with the procedure and administration of the Legislature, there could be no conflict with ministerial responsibility.

The Commission recommends that:

- 4.16 The Standing Orders of the Ontario Legislature be amended to include a statement of the existence of a Standing Committee on Procedure and a Standing Committee on Administration; and assign to these Committees the powers outlined by the Ontario Commission on the Legislature.

It is apparent that the proposed Committees on Procedure and on Administration would differ substantially from existing standing committees of the Ontario Legislature. The Commission feels this is justified in view of the extraordinary responsibilities assigned to it. However, the powers and constraints proposed are not to be taken as any indication of the direction in which the Commission feels standing committees in general should be moving. This will be dealt with in a later report.

In summary, the proposed Committees are intended to advise the Speaker's Office on policy decisions concerning the House. They are also intended as a vehicle for the development of an expertise on procedural and administrative issues facing the Legislature. Hopefully, too, this forum may also serve as a training ground for new officers of the House (whips and House leaders) and as a wellspring of innovative reform in the running of the Legislature.

ESTIMATES OF THE LEGISLATURE

The Commission believes it is important to discuss the process by which the Estimates of the Legislature will be prepared and handled, as this represents a departure from presently established practices. It is anticipated that the initial stages would be similar to the preparation in a Government ministry. In this case it would be the responsibility of each director or office head to determine the requirements of his unit for any given fiscal year. These would be amalgamated and summarized by the Fees Office, and submitted in turn to the Director of Administration and to the Clerk. The latter would then forward them to the Speaker for his approval. Printing would be arranged (probably with the other Government Estimates), and they would be forwarded to the Government House Leader for tabling in the Legislature. Immediately after tabling, the Estimates would be referred to the joint Standing Committees on Procedure and on Administration, where they would remain until reported out by the Committees. Unlike other Government Estimates, they would not go to Management Board for approval, and they would not wait for a Government order to be examined by a legislative committee.

Supplementary Estimates, as they occur, should also be placed before the Committees on Procedure and on Administration for examination and approval.

It should be noted that the Legislative Librarian and the Sergeant-at-Arms, as they report directly to the Speaker under the new administration of the Legislature, would be responsible for preparing their own Estimates and drawing on the Fees Office for any necessary assistance before submitting them to the Speaker for approval. The Commission believes it appropriate to suggest that the Estimates be placed before the Committees within five sessional days of presentation of the budget, and remain there until reported out by the Committees, no later than fifty sessional days after presentation of the budget.

The Committees would rely on the Clerk, Director of Administration, Legislative Librarian, Sergeant-at-Arms, and any such other senior officers they may require, to answer questions and explain proposed expenditures.

The Board of Internal Economy would not automatically be involved in the Estimates process. Its role would be in reviewing and approving new expenditures. Insofar as Estimates represent merely a continuation of past programs, they do not need the approval of the Board.

The Commission recommends that:

4.17 The Standing Orders of the Ontario Legislature be amended to require that:

- the Legislature Estimates be tabled in the House and referred to the Standing Committees on Procedure and on Administration within five sessional days of the presentation of the budget,
- the Legislature Estimates remain in committee until reported out by the Committees,
- the Committees report on the Legislature Estimates within fifty sessional days of the presentation of the budget.

SPECIAL FINANCIAL PROVISIONS

It has been brought to the attention of the Commission that Members often experience considerable delay in the processing of expense accounts. In view of recommendations made in our First Report concerning Members' vouchered expenses, we feel it will be necessary for the legislative administration to have the power to issue cheques. This move is consistent with the principle of independence of the Legislature, and will also prevent administrative delays.

The Provincial Auditor will conduct the post-audit of all financial operations of the administration of the Legislature in a manner similar to his audit of Government departments. This will provide an opportunity for publicity which, together with the publishing of Members' expenses in Hansard and review of such expenses by the Standing Committee on Administration, should offer reasonable safeguards against any excess.

Therefore, the Commission recommends that:

- 4.18 The Financial Administration Act be amended to permit the Fees Office to issue its own cheques; and authority be given to the Director of Administration to sign such cheques.

S P E A K E R - Board of Internal Economy

Sergeant-at-Arms | Press Gallery | Library

C L E R K

DIRECTOR OF ADMINISTRATION
Deputy Sergeant-at-Arms

First Clerk Assistant

Law Clerk

Assistant Clerks and Committees
Hansard
Bills, Journals

Legislature Services Office | Fees Office | Personnel Office

HOUSE LEADERS

There is the general hope and expectation among Members of all parties of the Legislature that there might be some effective improvement with respect to scheduling and processing the business of the Legislature.

It is natural that parties in Opposition wish to have as much notice as possible of Government legislation, so as to prepare themselves for debate and discussion in the Legislature. Nevertheless, the business of the House is, to a considerable degree, a matter of Government discretion as to its scheduling, and it hardly needs to be said that the Government uses this at times as a tactical advantage.

The same can be said, on occasion, for Opposition parties who have a demonstrated capacity to delay and interrupt the flow of Government business. While ideal solutions are not possible, there is general agreement among all parties that significant improvements can be made to the advantage of all concerned.

Basic to such improvement is a closer liaison - and a continuing one - between the parties and, wherever possible, common agreement as to the scheduling of legislative business. The Commission believes that, basic to this, increased recognition should be given to the role of House Leaders and Party Whips.

The Commission recommends that:

- 4.19 The Government House Leader be a full Minister of Cabinet, but without any portfolio responsibilities.
- 4.20 Formal recognition be given to the House Leader of the Official Opposition, to be seen as such by Mr. Speaker, and to the House Leader of the Third Party.

- 4.21 Salaries be established in the Legislature Estimates to the amount of \$5,000 for the House Leader of the Official Opposition, and \$2,500 for the House Leader of a qualified Third Party; and each of the above be provided with an extra administrative aide to permit him to discharge his duties effectively.

It is the hope of the Commission that House Leaders, because of the nature of their responsibilities, will be appointed by party leaders, in consultation with party caucuses. Whether or not a House Leader serves, as well, as his party's Deputy Leader is properly an internal matter. However, it is important that the House Leader be seen as having a central responsibility for House business, to the exclusion of any other duty or demand on his time.

SERVICES FOR THE PRIVATE MEMBER

Throughout the course of our work, the Commission has attempted to unravel some of the exasperations of the parliamentary system of government. A Member of the Legislature is chosen by the people as an individual, yet the various sums of the individuals elected on election night, defined by their party labels, determine who shall be Premier and Chief Executive, who shall be Leader of the Official Opposition, etc.

We take as writ that after election the M.P.P. conceives of himself as available to any or all of his constituents, not just to those who are members of his party. Many of the duties and responsibilities which fall to an M.P.P. in this constituency role have nothing to do with party work or programs. At the same time, most citizens recognize that it is the party work which gives form and coherence to the parliamentary system.

So much of the tradition and practice of the parliamentary system enshrines the rights of the individual M.P. or M.P.P. However, along with this has grown the recognition of parties as special entities. Nevertheless, we think there always must be the recognition that an M.P.P. has the right in the Legislature to be an individual, and to be heard as an individual. This is especially important in terms of the relationship of each M.P.P. to his constituents and constituency.

We refer to this interplay of the individual and the party in the constituency, the Legislature, and the Province as a whole, as an exasperation. We cannot wish it away, and yet its reality means there has to be a procrustean quality to our recommendations. That is, we must proceed to recommend with the individual M.P.P. in mind, regardless of party; we must also proceed to recommend with the parties, as they operate in the Legislature, in mind. Often it is difficult to try to draw a boundary line between individual and party within the Legislature.

One thing is certain: we know there will always be M.P.P.s in the Legislature; we do not know how many parties will be in it, nor can we predict what their proportions will be to each other.

We are also sensitive to trends in the country, and in the Legislature, toward public revenues sustaining more and more of the parties' functions. These have the effect of transferring some of the responsibility for sustaining political parties from the members to the taxpayers as a whole. That is, the parties are being underwritten and institutionalized, not through membership support and contributions in money and services, but by providing employees and resources paid out of public funds. Somewhere, out there in the democratic ideals of the community, must remain the belief: any group of citizens may form a political party; any individual may seek to have his fellows choose him to represent them; any party is a voluntary association of members who have a primary responsibility to sustain it, financially and otherwise.

EXISTING SERVICES

The Commission has conducted a thorough study of the existing services provided Private Members, and has discussed with many of them the adequacy of these services. In the present circumstances, the quality and variety of services available to Private Members are certainly varied and uneven, notwithstanding the fact that, by comparison, Members of the Ontario Legislature are better cared for with respect to their needs in this regard than is the case in any other legislature in Canada, excepting only Quebec.

The present practice in Ontario has been a system of caucus grants based on a given amount per Private Member. The present grants, after a recent upwards adjustment proposed, on a temporary basis, by the Commission, now stand at \$11,000 per Member. So that, based on present membership in the House, the allocation for the N.D.P. Caucus is \$209,000, for

the Liberal Caucus \$242,000, and for the Progressive Conservative Caucus \$462,000.*

The Commission believes the Private Member should be entitled to certain basic services in his own right, and the degree to which his personal needs are met as a Member should not be determined by the size of the caucus allocation, nor should it be a matter of negotiation and arbitration within the caucus.

SECRETARIES

At present not all Members of the Legislature have their own private secretary; some share a secretary with a colleague. The reason for this - that some Members are persuaded to share a secretary, or do without - is primarily in order that funds can be diverted for other caucus purposes. In short, the alternate use of scarce means.

It is also the case among the three caucuses that secretarial salaries vary, as do benefits and job security. In one caucus, secretaries are members of a union and bargain collectively with respect to the terms of their employment. The situation is quite different in the other caucuses, where conditions of employment and salaries fluctuate largely according to the caucus funds made available for secretarial purposes, and the demands of competing priorities.

*Determining the allocation for the Government Caucus on a per Member basis has presented something of a problem, since some Members of the Caucus are Parliamentary Assistants or Ministers, and as such are entitled to services provided them by their respective departments. Thus, they do not require many of the services from the Caucus allotment as do purely Private Members. Notwithstanding, it is argued that, because certain services must still be provided out of the Caucus allotment, some recognition should be given in the Caucus allocation to that reality.

For many reasons this does not seem to us a desirable situation. In the first place, the Commission believes each Private Member should be entitled to a personal secretary or administrative assistant - a person the Member chooses and whose qualifications are such as to best meet his individual requirements. Some Members require secretaries who have shorthand and typing skills; others do not. The volume and complexity of constituency correspondence and case-loads will vary widely among Members, but they themselves know best what their requirements are.

Therefore, the Commission recommends that:

- 4.22 Each Member of the Ontario Legislature be entitled to one private secretary or personal assistant; these to be either recruited, or their employment agreed to, by the Member; and, further, that they be employed through the Personnel Office.

Pay and benefits for such personnel should be standardized. Until very recently, some were underpaid and presently many are without adequate benefits and job security. With respect to pay, we propose four classifications, or grades, for these employees:

A Grade I Secretary or Administrative Assistant with either shorthand or dicta-typing skills, but without previous experience, or an individual without requisite stenographic skills, would be paid \$115 - \$145 per week

A Grade II Secretary, a competent typist with either shorthand or dicta-typing skills, and with no less than two years' secretarial experience, would be paid from \$145 - \$155

A Grade III Secretary, with the same qualifications as Grade II but with four years' experience, would be paid from \$155 - \$165

A Grade IV Secretary, directly employed either by the party leaders, the Speaker, Chief Whips, Clerk, Director of Administration, would be paid from \$170 - \$205.

Benefits, including vacation pay, sick leave credits, medical and hospital insurance, pensions, and the option of long-term disability insurance, would be in addition to salary. These benefits should be equivalent to those extended to civil servants in comparable salary brackets.

Obviously, there will be occasions when, for one reason or another, secretaries may wish to be reassigned or Members may not be sufficiently satisfied with their work, or as is to be expected, Members resign, are defeated, or assume responsibilities in a Ministry. In such circumstances, every effort should be made to reassign the individual concerned within the legislative establishment.

Secretaries and administrative assistants, while directly responsible to the individual Member, would nonetheless be employees of the Legislature. Their starting pay and subsequent increases should be on the approval of the Director of Personnel.

It is possible in such a system that some Members will, as is presently the case, do without such assistance. But that must be entirely the decision of the individual Member. It may also be the case that the Director of Personnel will assist the Member in finding suitable assistance. The Commission realizes that, in such a system as we now propose, there will be some dissatisfaction expressed. Nevertheless, it has been the consensus view of the Members, in the Commission's opinion, that as between the present system and a reformed one, the latter, in the long run, will prove to be more satisfactory and equitable for all concerned.

In any event, the Commission feels this kind of service, which is of a personal nature and essential to the efficiency of the individual

Member, ought not to be a matter for caucus determination, much less that of the Ministry.

Supplies and Equipment

In present practice, basic supplies and materials for the Member, such as typewriters, dictating machines, and filing cabinets, are also provided out of the caucus allocation. Again, the Commission feels the Members should have the right individually to acquire whatever equipment best fills their needs.

We recommend that:

- 4.23 Office materials and supplies, such as typewriters, filing cabinets, dictating machines, and like machinery and materials, be requisitioned directly by the Member from the Director of Administration of the Legislature, on a basis of reasonable need.

THE NEW DEMOCRATIC PARTY CAUCUS BARGAINING UNIT

The New Democratic Party Members of the Legislature established some years ago a relationship with the staff which serves their Caucus that is unlike the relationship which exists between Members and staff of the Progressive Conservative and Liberal Caucuses.

The secretarial and research personnel serving the NDP Caucus are members of an office employees' trade union - Office and Professional Employees' International Union (OPEIU); they have formed Local 343 of this Union. The Local has bargained and obtained recognition from the NDP Caucus, their employer, and has a normal contract with management covering wages, benefits, working conditions, terms of agreement, grievance procedure, etc. The contract is a "bona fide" one under the laws of the Province.

At this time, secretaries serving Members in the other caucuses of the Legislature are unorganized. However, it should be noted that they, like the workers serving the NDP Caucus, are caucus employees, not employees of either the individual M.P.P., or of the Legislature, or of any Government department.

There is no question that the Union contract does give workers for the NDP Caucus protection and rights that other caucus staffs do not have - certainly none that are entrenched in a contract.

The Commission has received forceful representations from the members of Local 343 that they would not want the Commission to make any recommendations which would result in the loss of their union status, or that would alter the relationship with their employers.

In addition, the Commission has had representations from the leadership of the NDP Caucus, urging that recommendations not be contemplated that would or could lead to an alteration in this Union-Caucus relationship. This was put in the form of a request that present arrangements for supplying secretarial and research services to the NDP Caucus be maintained. That is, an annual allotment of funds from Provincial resources should continue to be made to the NDP Caucus to spend, as it sees fit, for secretarial and research services.

The representatives of the NDP Caucus said: (a) a unique relationship of mutual understanding and trust exists between employees and NDP Caucus members, based on agreement on political ideas and purposes; (b) the responsibilities which fall upon the NDP Caucus and any other Opposition caucus are different from those relating to the Government Members and Caucus; (c) the practice and tradition of workers and their services being determined and allotted by the Caucus must be continued. Such Caucus control puts workers and resources where they are needed, and avoids waste; (d) the present relationship gives flexibility and some

means of protection to the individual M.P.P. (for instance, in dealing with a secretary who does not measure up); (e) the prime need of the NDP Caucus is for a more generous allotment to be disposed of as it sees fit, to support the Members as a collectivity.

Further, the case was strongly made that it was morally wrong to make recommendations that would have the effect, if implemented, of destroying a local bargaining unit, or altering in a major way a management-worker relationship that had worked well to the complete satisfaction of both parties.

These views of the NDP Caucus were examined in detail by the Commission. It has been, and remains basic, that our whole approach thus far has placed emphasis on individual M.P.P.s, largely exclusive of their role as members of a partisan collectivity. For example, we have made recommendations regarding pay and allowances and pensions, upon travel subsidies and accommodation subsidies, precisely on this basis.

The Commission, throughout the course of its work, should maintain a long-range perspective. We are not recommending specifically for this Legislature, but for this and future legislatures in which the partisan makeup may be drastically altered by the choices of the electorate.

Another point in the NDP Caucus representation can be seen to have some ambiguity or confusion for us. It is normal, as we understand industrial relations and union-management situations, that an element of the adversary situation always pertains; that is why the right to strike is so intrinsic, and is the reason for conciliation boards and other means to ameliorate the differences between the adversaries in order to obtain agreement for a term. But, in this case, there is a fixed term and, near the end of it or at the end of it, new discussions are entered into based on demands put by each side.

While the Union contract between the NDP Caucus workers and the

Caucus sees the latter as the employer, it is also clear in the practices of the Legislature that an unusual (though not unique) situation exists with regard to the management's capability in this case to meet the demands of Local 343 in terms of wages and benefits. Management, in this unique example, is dependent upon another process for the financial resources to meet the demands of the Union.

In short, regardless of the bargaining demands of the employees upon the employer, it is the practice, in this example, that the Premier, in consultation with each party leader, determines the precise amount which is to be allocated to each caucus. It should be added that, from the beginning of this arrangement, the amount is calculated not on an overall caucus basis, but on the basis of the individual members of a caucus. It may also be noteworthy to add that it is more often than not the case that each caucus, including the Government Caucus, has obtained less than the amount thought desirable.

Realistically, the process vis-à-vis the NDP Caucus management and the Union Local is that, having met the Union Local's demands in negotiating a contract, the management must go out and negotiate, with the process described above, a larger caucus appropriation to meet the demands, or else make reductions in spending elsewhere in the Caucus budget (although the scope of "elsewhere" is very limited).

To a large degree the Commission would like to recommend a system which does away with recurring ad hoc bargaining for bigger allotments by the caucuses. Such a view does not mean that the Commission is anti-union or wishes to put any barriers in the way of workers who serve the Legislature having the right to form a union and to bargain collectively for wages and working conditions. In addition, the Commission recognizes that it is essential at this time to recognize the need to have the Opposition Members and Caucuses more strongly supported with personnel and services than they are under the existing practices.

However, we realize that each M.P.P. should have a basic right to the services of a secretary, with the clear understanding that the M.P.P. determines who that secretary shall be. Then, we assume that as an M.P.P. with a party identity, he is free to hire whom he wants and to direct that person at work. He is not in the least inhibited from seeing that such work is co-related with the purposes of the caucus to which he or she belongs.

In the rapport between the M.P.P.s of the NDP Caucus and their employees, which each group believes is vital because of values shared around the purposes of the "left" movement, it seems to us that an important bond would be membership in that movement, rather than the local-management contract with its potential tones of adversary postures. Since the M.P.P. would have the prerogative of choosing his secretary, he and his colleagues would be able to ensure that each secretary, and thus all secretaries, are members of the movement.

CONSTITUENCY OFFICES

It might well be thought that the question of Constituency Offices should be dealt with in this Report, since it concerns itself primarily with Members' services. But there is good reason for the Commission to delay any decision in this matter.

In the first place, there is divided opinion among the Members, and among parties, as to the need for such a facility. While some Members have established Constituency Offices, financed by their supporters, at least one Member has told the Commission that he opened such an office, advertised its purposes to his constituents, but the office enjoyed little or no use. Some Members admit to the impossibility of finding suitable locations for such facilities, because of the sheer physical size of their constituencies, and there are other constituencies with a number of towns and communities within them, all with an equal claim for

such a service. There are still other Members who simply do not consider a Constituency Office either necessary or desirable. Finally, there is a strong feeling that should Constituency Offices be made available at public expense, all Members would be obliged to have them, if only for political reasons, and regardless of the merit or the need for such a service.

The argument is also made that Constituency Offices will tend to entrench the Members and maintain the status quo. Certainly it would be difficult, in any case, to maintain such an office, though financed by public funds, which would not be used, in a perfectly natural way, for political purposes and party activity. It is obvious that some Members find their existing Constituency Offices extremely useful and that others can show a demonstrable need for such a facility. It needs to be said, however, that such is the case in a minority of constituencies.

At the present time, constituents may and do write their Members; most of the Members may deal directly with their constituents by telephone, free of charge, and many of them, as has traditionally been the case, meet with their constituents at home or at a place of business.

While it now appears that Parliament is to provide Constituency Offices for its Federal Members, the circumstances of the Federal and Provincial Members are not the same. Obviously, the Federal Member, in a great majority of examples, is further removed from his constituency while in Ottawa. As well, Federal sessions of Parliament are longer than are Provincial sessions at Queen's Park. Thus the Federal Member is, by and large, more distant from his constituency and absent from it for longer periods of time.

Nevertheless, there is a growing so-called "case-load" for many Provincial Members, and the public funding of Constituency Offices would provide the opportunity for direct service of constituency needs and complaints and would, if properly staffed, relieve the Members of much

of their direct involvement with this aspect of their responsibilities. Such an office, it could be argued, would allow the Private Member more freedom and, even while it would make his presence more visible in the constituency, more time and effort could be devoted to the Legislative function.

In the State of California, each Member of the Legislature is allowed an office in the Member's district at public expense, staffed by a full-time secretary and an administrative assistant. Special funds are made available to employ further personnel, to provide a telephone answering service, and to purchase essential equipment and supplies. While the Member is the employer, the Legislature signs the contracts relating to the premises and pays the staff directly.

The question is asked whether Constituency Offices would in fact artificially and unnecessarily stimulate the volume of the Member's case-loads, and whether these offices might, in fact, result in treating a symptom rather than confronting the cause of the case-load problem. It could be true that there is some fundamental failure in the delivery of the Government services and an inadequate provision of information by the Government. If that is the case, Constituency Offices will not effect any improvement, but may, by merely diverting the complaints and requests, make the problem worse.

But there is a more valid reason than any of the above for the Commission's delay in making any final recommendation in this matter at this time. As a Commission, we have been asking ourselves the extent to which, if any, the political parties themselves and their constituency organizations have a responsibility to provide certain facilities for their elected Members when such seem required. We are considering questions relating to the public funding of the parties, the provision of certain compensation for election expenses, incentives to encourage a broader base for political contributions from the general public, and other related matters.

It may well be, in the end, that a good deal of the financial burdens now borne by the parties, and various costs which parties must presently finance out of voluntary subscriptions, may be offset in some manner from public funds. The degree to which this is so would have a direct bearing on the decision as to how Constituency Offices should be financed, and whether, in fact, they should be financed at all from the public treasury. The Commission cannot avoid the conclusion that the Member, whatever else he or she may be, is also a politician and the representative of a political party. A Constituency Office, therefore, must be, among other things, a political office for the Member. The arguments are strong, the Commission feels, that certain facilities and services basic to the performance of the Members and to their role as party representatives are, ideally, best left to their supporters to provide.

SERVICES FOR THE CAUCUSES

The present system of caucus allocations based, as we have said, upon multiplying a fixed amount times the number of caucus members, offers at least a rough justice for all parties of the Legislature, whether in support of the Government or opposed to it. Whatever else may be said of it, the system is a tribute to the fundamental civility which characterizes Ontario politics and recognizes, as many comparable jurisdictions do not, the value of the role each party plays in the legislative process, however the roles differ.

But, to a significant degree, there is a difficulty with the simple formula of multiplication in this instance. In short, the more one party has in membership, the more it gets in financial assistance - regardless of need, or difference in function. It might be said, by way of illustration, that should the Official Opposition in the Ontario Legislature be reduced in numbers - a possibility in any democratic system - then it would not only be short of members but starved for resources. A one-party landslide, it follows, would endow the Government Caucus with resources not only beyond its needs and contrary to the public interest, but disproportionate to the principle itself of caucus support from public funds.

It is a cliché to say that many of the present and paramount public issues which confront the legislators and their parties are complex. Even a rudimentary understanding of them requires external expertise. Cliché notwithstanding, it is an important truth. The problems of pollution, energy, land use, urbanization - to name a few - all require not only value judgments and partisan evaluation, but a fundamental understanding of their nature and purport. If debate is to be relevant, if the ventilation of public issues is to be an exercise in the examination of credible alternatives, and if criticism is to be rooted in the substance of issues, then information, intelligence, and understanding are essential.

What is true of broad issues is not less true of particulars: in the review of Estimates, in the work of the standing committees, in the examination of public or private bills, in the probing of Government departments and ministerial stewardship, these are the more pertinent and effective when the thrust of them has the momentum of competent analysis and deliberate study. It is significant to comment here that the select committees have not been reluctant - within their special terms of reference - to seek expert advice and employ specialists in their support.

In the British House of Commons, we have noted, each item of new legislation is accompanied by at least some of the relevant reports and studies undertaken by, or available to, the Ministry. This compendium of background is prepared by the Ministry and placed in the Library at the time of First Reading for use of the Members who may then use the material as background, and to familiarize themselves with the nature of the legislation. This is a sensible and simple process we would recommend for the consideration of the present Ministry in Ontario.

It is our conclusion, based upon an analysis of the present caucus grants, that they are deficient in providing the Opposition parties with adequate funds relating to their functional requirements. It could be said that the present grants allow the Opposition parties to employ secretarial help for the Members, but not for all Members; that they allow them some administrative staff, but do not provide a sufficient range of services; that they allow the caucuses to establish some research facility, but not one of sufficient depth and professional competence; and that the grants enable the Opposition parties to offer some communications facilities to their Members, but of a primitive and restricted nature and inferior to that enjoyed by Government Members.

The Commission recognizes the reality that there could be no practical way of equalizing the resources available to a Government Caucus with that of an Opposition Caucus. The determination of that allocation of resources - between Government and Opposition - is bequeathed by the

electorate. This does not preclude, however, steps being taken which at least create a greater equity in the matter of resources.

The Government Caucus has available to it the research resources of the Ministry, wherever reasonably required, just as it enjoys the value of ministerial briefings, supported by the experts or consultants who have been employed in the process. Individual Members of the Government have a natural and entirely appropriate access to Government departments - certainly, to the Ministers themselves - so that the amount of information available to Government Members is more or less equal to their need for it.

Indeed, a principal task of the Government Caucus is in the organization and circulation of the information it has access to - a task which the Commission has noted seems to be efficiently managed. It is not a matter of dispute or question either that this is not done well, or that the advantage to the Government Members is an unnatural one.

The Opposition Members, by definition, lack such access and, indeed, it would be questionable if they would wish it, even if it were available. It is surely basic to their function that they have independent resources which, if unequal in their numbers, need not lack in quality.

The Commission believes that the Opposition parties in the Legislature should have a research capacity considerably greater than that which they presently manage to achieve out of their caucus allotments. We reach this conclusion not simply because the parties themselves have earnestly argued it, but because we believe it is in the interest of the legislative process and in the general public interest that the research capacity of Opposition Members be improved.

Before we proceed to a more precise recommendation with respect to research facilities for the Opposition parties, it would be of interest to illustrate the present circumstances in the caucuses of all parties.

It would appear to substantiate our own conclusions when it is found that, of the three Caucuses, the Government Caucus spends the least for the purposes of research. In that Caucus, three research analysts are presently employed, together with one secretary, who has other duties as well. The budget allocation is approximately \$25,000 for research.

In the Caucus of the Official Opposition the research department presently consists of a director, two research assistants and one secretary. The cost of maintaining that facility is \$40,000.

In the NDP Caucus the research department presently consists of a director, two assistants and one full-time secretary, and the funds supporting it amount to \$47,000. In addition, a research assistant is found on the staff of the Opposition Leader at a salary approximating \$11,000.

The Commission does not conclude from this that, for example, the Official Opposition Caucus is any less conscious of the priority of research than is the NDP Caucus, merely because it has allocated less funds for research. Rather, it confirms the conclusion we have previously commented upon which is that, in the Official Opposition Caucus of 21, all its Members are provided with secretaries, while in the NDP Caucus only nine of the 19 Members have personal secretarial services. In other words, adequate services for the individual and the Member are impossible to arrive at under the present system.

We propose that each of the Opposition caucuses be provided with funds specifically designated for the purpose of improving their research capacity. We would recommend that the Caucus of the Official Opposition be given, for research purposes, an annual budget of \$125,000 out of which they may employ senior researchers, for which our examination of the market place indicates an individual salary range of between \$16,000 and \$22,000, and junior or assistant researchers, whose salary range falls between \$9,000 and \$16,000. In addition, from this amount, secretarial

services would be necessary, as well as a modest acquisition program for periodicals and journals, and, possibly, funds to provide the limited employment of specialists and consultants.

With respect to the NDP Caucus, we would recommend an annual budget of \$90,000 for comparable purposes as enumerated above.

We would emphasize that these grants are intended to be for caucus research and for no other purposes, and are unconditional but subject to the approval of the Speaker. Future budget adjustments, which are inevitable, would follow the normal financial procedure of the Legislature - that is, approval by the Speaker and in turn the Board of Internal Economy. As part of the Estimates of the Legislature they would go before the Committees on Procedure and on Administration.

It would be seen that these recommendations tend to reduce the allocations presently being made by the Government to the various caucuses. Notwithstanding, it is evident to us that in addition to research, or apart from it, each caucus has requirements peculiar to its function and for which public funds should be made available. Since the matter of Members' secretaries would no longer relate to caucus allocations, nor would research, it would appear that some reduction in caucus grants would be entirely justified.

It would not be sensible to conclude, however, that because the Government Caucus, for example, has a limited requirement for an in-house research facility, it does not have as urgent a requirement for other activity. In addition, each caucus should have some funds to allow it reasonable flexibility in meeting contingent needs and providing ancillary services for its members. It is not the Commission's task to identify these, nor to assess their priority, but to recommend reasonable amounts for each caucus which, having in mind their numbers and being aware of their various needs, will allow them some sufficiency.

We therefore recommend that:

- 4.24 Each caucus be given an annual and unconditional grant of \$5,000 per Member.

All funds, including those for research and those represented in the caucus allotments, should be processed through the Fees Office which will have administrative and budget-control responsibility. In addition, all caucus employees would be employed through the Personnel Office of the Speaker and be entitled to the same benefits accorded other permanent employees of the Legislature. However, this should not preclude the caucuses from making ad hoc arrangements for the retention of advisors and consultants, on a temporary basis, providing such is within their budgets.

THE LEGISLATIVE LIBRARY

Earlier in this Report, the Commission made recommendations with respect to the new administration of the Legislature under the Speaker. However, we did not comment upon the Legislative Library, as we believe it is slightly removed from the main administrative organization which we have outlined and, in any case, requires special consideration.

We believe it is fair to say that, as presently constituted, the Legislative Library is really not a legislative library. It has been what might best be termed an "adjunct" to a series of ministries over the years. Since 1926, the Library has come under the Department of Education, the Department of the Provincial Secretary and, more recently, the Ministry of Government Services, where it now reposes. Departments, or ministries, must provide a great many programs and services and, as a result, the development of the Library could hardly be viewed as a priority.

The moot question is whether it is time to define the Legislative Library as being essentially one that serves the Legislature, and so finds a place within the framework we have recommended for the new administration of the Legislature; or whether it is to become the major central resource Library of the Government as a whole. All the arguments, we believe, tend to work against the latter concept. It would militate against the Library carrying out a prime function of service to the House. And, in addition, many of the ministry libraries in their specializations have already gone far beyond what the present Legislative Library could consider as a feasible collection, either in terms of storage or servicing.

There is, at present, no statute or Order-in-Council defining the position of the Library; however, it does come under Standing Orders 98 and 99 of the House.

Standing Order 99 states:

99. The management of the Library, including regulation admission, Library hours, and the security and preservation of the collection, is the responsibility of the Librarian under the direction of a Committee of the House.

It should be noted that, while this Standing Order directs that the management of the Library "is the responsibility of the Librarian under the direction of a Committee of the House", no committee exists to perform this function. It is the Ministry which, in reality, administers the Library.

Although the Library at present comes under the Ministry of Government Services, and serves a broad range of ministerial departments, caucus staff, Press Gallery, and the universities and general public under certain conditions, its lending policies, hours of service, selection of material, and its physical facilities, are all geared to service of Members. In every case, and especially when the House is sitting, we are assured that all other claims are subordinated to those of the Legislature.

The Commission has attempted to ascertain to what extent the Library has been used by Members, particularly in the past few years. It is known that during 1972, sixty-seven of the one hundred and seventeen Members actually borrowed books from the Library. In addition to this, these and other Members would have asked reference questions, and a great deal of indirect use of the facilities would have been made by secretaries on behalf of their Members, party caucus researchers, and the personal staffs of Cabinet Members doing research for their Ministers.

We understand that virtually every Member uses the newspaper section of the Library on a more or less regular basis. Two hundred and twenty-five newspapers representing every constituency in Ontario, as well as newspapers from the capitals of the other provinces and a selection of newspapers from the United States and overseas, are available.

It is calculated that the Library answered approximately 11,000 reference inquiries in 1972. This figure has been increasing annually.

The Library staff is seeking new ways to improve services and to publicize them to Members. And, on the Members' side, it is apparent from answers to a questionnaire circulated by the Commission that they believe the Library is providing an important service.

It would appear that the Library, located as it is in the Legislature and serving its Members, should be developed along lines which are essentially legislative. The concept of it becoming a major central resource library of the government as a whole does not seem in keeping with today's approach to library administration, which involves a great deal of specialization combined with sophisticated technology.

The Commission has reviewed the Report of the Ontario Government Librarians' Council - "Library Services in the Ontario Government: Today and Tomorrow", (February 6, 1973). The Report states:

"Ministry libraries should be prepared to work within an overall government library system, co-operating with each other in procuring, organizing and retrieving information relevant to government policy development and current programs. The output of Ministry libraries should meet exacting standards and the resultant data be capable of maximum accessibility and manipulation.

"A totally rational library system remains an ideal, but the experience of other jurisdictions indicates the degree of commitment governments are giving to information networks and library systems."

Under the heading "Libraries of the Future", the Report says that, since no library can hope for completeness within its own fields, library information networks would seem to be a certainty in the future.

The authors of that Report, who are themselves professional librarians, believe individual libraries will eventually be using computerized

SDI (Selective Dissemination of Information) to alert users to current information selected from journals, reports, books and conferences. Library users will also have access to on-line contact with a computer and its programs, so that an immediate dialogue with the computer will be possible.

These trends make the central library concept an anachronism, except insofar as there may be a need for the Provincial Government to rationalize its resource policies through the development of a major bibliographic centre. If this should be the approach, or even if the approach should be less centralized and more dependent on co-ordination, there is still little in the argument that the Legislative Library has any merit over, say a Ministry of Education, as that bibliographic centre. And it is clear, particularly in view of the example of the Library of Parliament in Ottawa, that the Legislative Library can continue to play an important part in the provision of library loan and common catalogue use, while at the same time retaining a special and more exclusive status.

It is worth pointing out that the Provincial Government, through the public library system, through the very substantial expenditures in university libraries, and through the really extraordinary build-up of the library systems of the community colleges, has spent substantial sums on libraries, particularly when contrasted with what has gone into the Legislative Library. That is, in money and in talent terms, the Provincial Government has been quite generous to the other library sectors in Ontario, and yet has spent very little on the Legislative Library. This would indicate that no one in the Government has ever considered seriously what a number of Ministers seem to have cherished - that the Legislative Library is "the Provincial Library".

The two primacies that we would establish are simply these: that the Librarian and staff of the Legislative Library are responsible only to the Speaker, and not to any Minister or to any ministry; secondly, that the patrons to whom the Legislative Library must give priority in

terms of both acquisition and service, are the Members of the Legislature, the staff of the Legislature and the Press Gallery.

What do such recommendations mean in terms of availability of service to civil servants of the various ministries and agencies? That the privileges of borrowing books and papers from the Legislative Library should be on a quite restricted basis; although the use in person of the Library as a reference resource by both the Civil Service and the general public, should be possible - given proven need. They also imply that the loose responsibility of the Librarian that exists at present will be considerably narrowed and deepened.

The Commission therefore recommends that:

- 4.25 The Legislative Library become part of the new administration of the Legislature under the Speaker.
- 4.26 A Legislative Librarian be appointed by Order-in-Council, and report to the Speaker.

It should be noted that, in recommending that the Library be responsible solely to the Legislature (to conform with the Standing Orders), we believe the Librarian should report directly to the Speaker, rather than go through the Office of the Clerk as would other administrative departments. The Librarian would be responsible for the preparation of the annual Library budget which would, in turn, be presented to the Speaker. We would expect the Fees Office to assist the Librarian, where required, in preparation of the budget.

The new Committee on Administration would, of course, take under consideration all matters to do with the Library and, on occasion, would ask the Librarian to meet with it.

Salaries and Staff

The salaries and staffing of the Legislative Library have been so meagre as to be archaic. The best example of this occurred recently when the Government advertised in December, 1972, for a Chief Librarian. The low salary level (\$12,000-\$15,000) mystified and distressed Ontario librarians, causing the Executive Committee of the Ontario Government Librarians' Council to express their "professional concern" to the Deputy Ministers' Council. The irony here is that, in the majority of substantial libraries in Ontario, subsidized by the Provincial Government, there are literally dozens of librarians and branch heads who have salaries of from \$4,000 to \$6,000 above the range advertised for this post.

We do not see a crash program of staff acquisition and print collection expansion without a thorough program developed by librarians and information specialists, but it is clear to us that the Librarian should be one of the best in the country, in terms of professional attainments and experience; and that, to provide an expanded research service, which we are recommending be established as soon as possible, additional senior staff must also be hired in the near future.

Research Goals for the Library

In library circles there has been an argument for decades over the degree to which a library should be a passive, though highly organized, repository, and how much it should be active in developing services that its patrons are not accustomed to, or have not thought about. Further, there can be considerable disagreement in an institution where partisanship is intrinsic, as to the propriety of a forceful library staff canvassing politicians and caucuses in terms of information and services.

We have outlined our reasoning on a new and more independent status for the Legislative Library, and have urged that it be oriented toward

serving the Members in a more aggressive spirit.

In order to facilitate this development, the Commission believes a research capacity must be added to the Library. We are certainly not the first to make such a proposal. The Report of the Select Committee on Rules and Procedures, 1969, stated:

"Your Committee feels the Members should have available to them as much assistance as a well-equipped and staffed library can provide within the budget provided for it. Your Committee would like to see a broadening of the scope of activities of the Legislative Library, so that research projects could be undertaken for Members."

The Library of the British House of Commons has, for some years, maintained a research department, staffed by fifteen subject specialists with the title Library Clerk, or Assistant Library Clerk. These clerks must have graduated from university with 1st or Upper 2nd Class Honours, and some scientific specialists must be included. While a degree in Library Science is thought to be helpful, it is not considered essential. The research specialists service Members' needs through direct contact. D.C.L. Holland, House of Commons Librarian, pointed out to the Commission that it is their job only to make research information available to Members. "It is the responsibility of the research specialist to provide a specialized, objective, reasoned draft to Members. They are then free to impose their own political ideas or ideological views."

As at Westminster, the Parliamentary Library in Ottawa maintains a well-staffed Research Branch. This Branch was established in June, 1965, on the recommendation of the Special Committee on Procedure and Organization, and of the Parliamentary Librarian. The staff totalled six at the outset, and now comprises 27 research officers. As now constituted, the Research Branch has developed considerable expertise in dealing with Members' requests. These fall into two categories: long-term studies of an in-depth nature, which focus on special issues of concern to the Member; and papers in outline, usually generated by a request for background

material which can then be used for a speech or other specific purpose. The type of research undertaken by the Parliamentary Library is not original research of an academic nature, nor can it be partisan. The research staff is not permitted to write speeches.

The Commission has examined both the Westminster and Ottawa approaches to library research. There is no question that a great deal of their experience is relevant and applicable, but nevertheless our concern is to attempt to meet the particular needs of Members of the Ontario Legislature, not simply to duplicate what has been found to be successful elsewhere.

The Commission recommends that:

4.27 A research department be established in the Library of the Ontario Legislature.

We recommend the immediate institution of a substantial vertical file complex that is both current and regularly weeded. This vertical file should contain press clippings, reports, speeches, and Hansard selections filed under headings such as: interest groups, boards, commissions, ministries (with complete subject breakdowns), regions and constituencies, personalities, and topics of interest, such as legislative reform, etc. The topics should range widely and should reflect new and emerging subjects of interest to provincial politicians.

Further, when the vertical file is well under way, we think each M.P.P. should be reminded at regular intervals of the list of headings and note made of new additions. If an M.P.P. so requests, updates in the file will be circulated to him as a matter of routine.

We believe much of the reference work carried out by the Legislative Library must be anticipatory. A constant vetting of topicality must be carried out through appraisals of the newspapers and periodicals of the Province of spot subjects, issues, local concerns, etc. that are

likely to become of interest to Members.

In the short range, perhaps during the next three or four years, we recommend both an aggressive "marketing" of services to Members and caucus research staffs, and an experimental continuing survey to discover needs which the library can meet. In the long term, we anticipate a larger research establishment composed of a number of specialists who could pursue subject areas in more depth for Members. However, we feel the nature and timing of the introduction of such an establishment should be determined by the Members (probably through the vehicle of the Standing Committee on Administration) in consultation with the Legislative Librarian.

There is a prior need for a vertical file specialist, a specialist in government documentation, and a service manager who would organize and promote the resources of the Library to the Members. This initial complement would serve as a basis for increased research capabilities in the Library.

The ideas which we have outlined will call for a very broad-gauged individual to serve as Librarian, if implementation is to be carried forward during the next few years. The Librarian will require substantial administrative skills, as well as a top-notch academic and professional background, for he or she will need to develop a close rapport, not only with the Library staff but all officers and Members of the House.

If legislators and their support people are to have greater capabilities in research, the basic and obvious place to have the printed resources for that capability, and the special talent required for acquisition, bibliography and reference advice, has to be the Legislative Library.

We hope the Legislative Library, as a locale, and its staff as persons of ability and personality, will become the focal point of those

Members and those resource persons in the caucuses who wish to be more effective than has been the case in the Ontario Legislature of the past. What we are counting on is that the creation of a substantial cadre of people dedicated to analysis, and research of quality, spurred by competition and aware of the professional potentials of research, will make a marked contribution to a livelier political institution at the centre of the Province. Again in an idealistic vein, we hope these research resources in support of the caucuses, especially the Opposition caucuses, will have some results that compensate for the rather staggering advantages in research persons and expertise which have been increasingly the stock prerogative of the Ministry.

If our recommendations regarding the Library are followed, it is obvious that these would be implemented by the Speaker, working with the Librarian and the Standing Committee on Administration. Because many of our recommendations may seem more immediate and easier to implement than those dealing with the Library, there may be an understandable tendency to set aside the priority of the Library's development, particularly in terms of personnel and funds. We would again emphasize that an improved Legislative Library is essential, and as soon as possible.

LEGISLATIVE INTERNSHIP PROGRAM

In examining the resources which might be made available to M.P.P.s, the Commission was led at an early stage to study the Parliamentary Internship Program in Ottawa. Now in its fourth year, the program each year brings ten university graduates, chosen from an average of 300 applicants, to the House of Commons for a ten-month period.

Based on consultations between the Interns and party caucuses, each Intern is allocated to serve as a sort of "special assistant" to one M.P. from September to January, and to an M.P. from a different party from January to June. The exact nature of an Intern's responsibilities is a matter to be worked out between the Intern and the Member, but usually combines research, speech-writing and some constituency work.

In addition to their work for Members, the Interns participate in a number of seminars with politicians, House personnel, and academics, and travel to other legislatures (e.g. in Quebec, Washington, etc.) to meet with personalities involved in the legislative process, as well as staff members of the legislative administration.

At the end of the ten-month period, each Intern is required to submit an analytical paper on some aspect of the legislative process.

The Commission sees much in the nature of this program which could be of benefit and recommends that a similar program be introduced in the Ontario Legislature for a two-year trial period. However, we believe the Ontario program should provide an opportunity for talented young people to work not only with M.P.P.s, but also in other areas of the Legislature. There would be two basic aims of such a program:

The first would be to provide those chosen as Interns with a greater

knowledge of the legislative process as it occurs in Ontario. At a secondary level it would also help to educate the public, as some of those who had been Interns would hopefully communicate their first-hand experience in the course of pursuing extra-legislative careers.

The second aim would be to provide those associated with the House, either as Members or staff, with valuable assistance in the form of interested and intelligent young university graduates.

A program involving ten Interns might run for ten months - from the 1st of September to the 30th of June. It would operate under the auspices of the Speaker (the intent of the program being legislative, rather than governmental) and would be funded under the Speaker's Estimates. The actual administration of the program would come under a Director chosen on the basis of his knowledge of, and interest in, the Ontario Legislature. The necessary clerical and secretarial staff to assist the Director would be provided by the Clerk's Office.

The Interns would be given an initial orientation period, consisting mainly of seminars with those associated with the Ontario Legislature - procedural experts, political commentators, Members or party leaders, members of the legislative staff, academics, etc. These seminars could continue on an on-going basis during the year. There would also be provision in the budget for a small number of field trips, to be arranged when they are deemed valuable and appropriate (e.g. to Ottawa, Quebec City, or neighbouring state legislatures).

The Interns would have two "assignments" during the year, of approximately five months each. The nature of these assignments would be worked out by the individual Interns in conjunction with the people they will be assisting. The major areas of assignment would include Committee staff, the Clerk's Office, party caucuses, and working with one or two Members (including Parliamentary Assistants). We anticipate that there would be a maximum number of Interns who could be assigned, perhaps four or five

in each area. Obviously, on this basis, there would be more positions than Interns, so it is to be expected that there would be considerable competition to secure an Intern's services.

Having made a commitment, the Intern would be obligated to stay with his assignment for the entire five-month period. Should a first assignment be found to be mutually advantageous, the Intern may continue for the full year in the same place. However, he is free to change in January if he so desires.

The Interns would be chosen by a Board which would include the Director of the Program and 3 or 4 people drawn from areas such as: the Clerk's Office, the academic world, Members, and senior Civil Service. It is not necessary that all these areas be represented in any one Board, or that appointment should be confined to these areas. Regard must be had, above all, to the suitability and experience of proposed Board members. The responsibility for appointing the Board will lie with the Speaker.

Applicants should be university graduates, under 35 years of age, who have attended either a high school or university in Ontario. It would be the intention of the program to draw people with a wide variety of experience (not solely graduates of politics, history, or law), and advertising should be conducted accordingly (i.e. directed at all departments in Ontario universities). In selection, serious attention should be paid to see that the various Ontario regions, including the Northwest and the Northeast, have representation.

Material in print for studying the Ontario Legislature and the Government as a whole is scarce, as are courses of study and academics who teach and tutor in them; therefore, in the selection of Interns, no advantage should go to the few who may have had the opportunity to gain previous knowledge, and no disadvantage to those who have not. The main qualification which the Board should look for among prospective

Interns is a strong sense of initiative and motivation, combined with a general intelligence and awareness.

Each Intern should be required to write a critical paper on some aspect of the Ontario Legislature. These papers would be deposited in the Library, and be available on request.

Our suggestion is that each Intern be paid \$8,500 for the ten-month period, and be supplied with two round-trip tickets between his or her place of permanent residence and Queen's Park.

The Commission recommends that:

- 4.28 A Legislative Internship Program be introduced in Ontario, for a two-year trial period, under the auspices of the Speaker.

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Accountant,
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Directeur du Bureau des relations
interparlementaires
Assemblée Nationale du Québec
Québec

Harry Worton, M.P.P.

Hon. John Yaremko, Q.C.
Solicitor General

BRIEFS

The Commission has received a number of briefs. Those listed below deal, at least in part, with the subject of this Report.

Donald Paterson, M.P.P.

Hamilton West Liberal Association

Ontario New Democratic Party Caucus

Ontario Progressive Conservative Party Caucus Committee on the
Legislature

The Provincial Council of Women of Ontario

The Canadian Federation of University Women

Ontario Secondary School Teachers' Federation

Professor C. E. S. Franks, Kingston

Tony Pasinski, Toronto

New Democratic Party Caucus Employees, Local 343, O.P.E.I.U.

REPORTS AND PAPERS

The Commission has also examined the following Ontario Government Reports, which have dealt with the administration of the Ontario Legislature:

1. "A Study on the Establishment of a Legislative Services Department"
 - conducted during the period June 3, 1968 to July 15, 1968, by R. F. Green, Planning and Audit Branch, Department of Civil Service.

2. "A Report on the Reorganization of the Legislative Assembly Service"
 - prepared by Mr. Speaker's Advisory Committee, January 8, 1970 - C. E. Brannan, Chairman, together with a group of senior civil servants.
3. "Position Paper on Considerations for the Ultimate Disposition of the Legislative Services of the Department of the Provincial Secretary and Citizenship"
 - January 17, 1972. Management Services Division.
4. "Committee on Proposed Administration of Speaker's Estimates"
 - chaired by Mr. A. I. Rands, Management Policy Branch, February 6, 1973.

